

### **IC 12-30-3**

#### **Chapter 3. County Homes in Certain Counties**

### **IC 12-30-3-1**

#### **Application of chapter**

Sec. 1. This chapter applies to a county having a population of more than two hundred thirty-five thousand (235,000).

*As added by P.L.2-1992, SEC.24.*

### **IC 12-30-3-2**

#### **Establishment of homes**

Sec. 2. (a) The board of commissioners may establish, construct, purchase, lease, convert, or accept and maintain a county home for the support and care of individuals within at least one (1) of the following categories:

- (1) The aged.
- (2) The blind.
- (3) The destitute.
- (4) The homeless.
- (5) The infirm or chronically ill.
- (6) Individuals who need nursing or convalescent care, but not hospitalization, within the available facilities of the county home.

(b) The board of commissioners may use or convert:

- (1) the county infirmary;
- (2) the county home;
- (3) the county farm; or
- (4) any other facilities belonging to or received by the county by donation, gift, devise, purchase, lease, or otherwise;

for the purposes set forth in subsection (a).

*As added by P.L.2-1992, SEC.24.*

### **IC 12-30-3-3**

#### **County home board; membership; qualifications; term of office; vacancies**

Sec. 3. (a) A county home board is created in each county that maintains a county home under this chapter.

(b) The county home board consists of seven (7) members who must be residents of the county. The county home board shall be appointed by the board of commissioners, with consent of the county council. The members shall be appointed without regard to political affiliation, except that not more than four (4) members may belong to the same political party.

(c) Each member shall be appointed on the basis of the member's recognized interests in and demonstrated knowledge of the problems of the county home and the proper care and treatment of the county home's patients and residents.

(d) All appointments are for terms of four (4) years and begin on the January 1 immediately after the expiration of the previous term of appointment. A member serves until the member's successor has

been appointed and qualified.

(e) A vacancy occurring for any cause in the membership of the county home board shall be filled for the unexpired term by the board of commissioners. The board of commissioners shall make appointments promptly as far as feasible so that the full membership of the county home board shall be appointed and maintained.

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-4**

##### **County home board; members; mileage payments; per diem**

Sec. 4. (a) The members of the county home board serve without salary, but are entitled to receive for each mile actually and necessarily traveled:

(1) within the county in going to and from officially called meetings of the county home board; and

(2) within Indiana in going to and from meetings of the county home board officially called by the division of family and children;

an amount for mileage at a rate determined by the county fiscal body.

(b) A member not holding other lucrative elective or appointive office may receive a per diem allowance of not more than twenty-five dollars (\$25) for attendance at any regularly called meeting of the county home board. Per diem allowances may not exceed twenty-five dollars (\$25) to any one (1) member in a calendar month and may be paid only if the amount has been made available by appropriation.

*As added by P.L.2-1992, SEC.24. Amended by P.L.10-1997, SEC.17.*

#### **IC 12-30-3-5**

##### **County home board; meetings; quorum**

Sec. 5. (a) The county home board shall hold one (1) regular meeting each month and the called meetings prescribed by the rules of the county home board. The regular meeting shall be held at the county home unless the county home board decides to hold the meeting elsewhere for some specific reason. The May meeting is the annual meeting.

(b) Four (4) members of the county home board constitute a quorum for the transaction of business. At the annual meeting, the county home board shall elect a president and a vice president for a term of one (1) year. The president and vice president serve until a successor is elected.

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-6**

##### **County home board; official seal; minute book**

Sec. 6. The county home board shall adopt and use an official seal for the authentication of the county home board's orders and records and shall cause the county home board's proceeding to be duly recorded in an official minute book maintained by the secretary of the county home board.

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-7**

##### **County home superintendent; appointment; qualifications; removal**

Sec. 7. (a) The county home board shall, with the advice and approval of the board of commissioners, appoint a county home superintendent.

(b) The county home superintendent shall be appointed solely on the basis of merit and fitness for the position and without regard to the appointee's political affiliation. The county home superintendent must:

- (1) be a citizen of the United States;
- (2) be of good executive ability;
- (3) be qualified as an institutional administrative officer;
- (4) be a reputable citizen of good moral character; and
- (5) have had the proper experience and training to manage efficiently the county home and to supervise or provide necessary and proper care and treatment for the county home's patients and residents.

(c) The county home superintendent may be removed from office only for cause, on charges of inefficiency or another proper charge, after a hearing before the county home board.

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-8**

##### **County home superintendent; duties; compensation; mileage payments; oath; bond**

Sec. 8. (a) The county home superintendent:

- (1) is the executive and administrative officer of the county home;
- (2) serves as the secretary of the county home board but is not a voting member of the county home board; and
- (3) shall perform all duties and functions of county home superintendent as provided by law under the direction and supervision of the county home board.

(b) A county home superintendent is entitled to compensation as fixed by the county home board within the lawfully established appropriations, which shall be paid monthly in the same manner as the compensation of the county officers as provided by law.

(c) In addition to the compensation referred to in subsection (b), the county home superintendent may receive for each mile actually and necessarily traveled an amount for mileage at a rate determined by the county fiscal body.

(d) Before entering upon the duties of the superintendent's office, the county home superintendent:

- (1) shall take the oath of office required by law; and
- (2) may, in the manner prescribed by IC 5-4-1, be required to execute a surety bond conditioned on the faithful performance of the superintendent's duties.

*As added by P.L.2-1992, SEC.24. Amended by P.L.10-1997, SEC.18.*

#### **IC 12-30-3-9**

##### **County home board; policies, rules, and regulations for government of home; discharge by county home superintendent of administrative duties**

Sec. 9. (a) The county home board shall adopt all policies, rules, and regulations for the government of the county home.

(b) The county home superintendent shall discharge all administrative and executive duties and responsibilities of the county home, subject to the approval of the county home board.

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-10**

##### **County home board; duties**

Sec. 10. The county home board shall do the following:

- (1) Fix the salaries of the officers and employees of the county home within the lawfully established appropriations.
- (2) Supervise the maintenance, operation, and services of the county home.
- (3) Supervise and safeguard the health, safety, welfare, and comfort of the patients and residents of the county home.
- (4) Review and approve the annual budget of the county home for submission as provided by law.
- (5) Adopt rules and regulations for admissions to the county home as provided by law, subject to the approval of the board of commissioners.
- (6) Recommend to the board of commissioners necessary additions, repairs, and improvements to the buildings, grounds, and physical plant of the county home.
- (7) Review quarterly and annual estimates and requests for food, supplies, and equipment for the county home.
- (8) Plan for the requirements of the county home and interpret those requirements to the board of commissioners and the county council.
- (9) Cooperate with the county hospital authorities and other public and private agencies and facilities of the county and state.
- (10) Improve and extend the services and facilities of the county home as found necessary or desirable, especially nursing services for the aged, blind, infirm, and chronically ill, and those in need of nursing and convalescent care.

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-11**

##### **County home board; development plan; cooperation with other agencies**

Sec. 11. The county home board shall plan for the effective development of the county home for the public benefit and shall be empowered to cooperate with all agencies of government to

accomplish this purpose.

*As added by P.L.2-1992, SEC.24.*

### **IC 12-30-3-12**

#### **County home board; inspection of facilities**

Sec. 12. The county home board shall regularly inspect all facilities of the county home. In the inspections, the board shall examine the following:

- (1) The sufficiency and performance of the personnel.
- (2) The health, medical care, and nursing care of patients and residents.
- (3) Drug handling.
- (4) Mechanical restraint and seclusion.
- (5) Food service and food sanitation.
- (6) Water supply.
- (7) Sanitation and sewage disposal.
- (8) Physical plant and equipment.
- (9) Safety standards.
- (10) Community life and occupational therapy for patients and residents.
- (11) Handling of mail and assistance warrants of patients and residents.
- (12) Admission of patients and residents on a voluntary basis.
- (13) Records and reports.
- (14) Working and living arrangements for staff personnel.
- (15) Other items the inspection of which is provided by law or determined to be necessary or advisable by the county home board.

*As added by P.L.2-1992, SEC.24.*

### **IC 12-30-3-13**

#### **County home superintendent; assistants; appointment; qualifications; compensation; dismissal**

Sec. 13. (a) The county home superintendent shall, with the approval of the county home board, appoint as many assistants as the superintendent and the county home board determine to be necessary to do the following:

- (1) Administer the activities and services of the county home.
- (2) Provide proper and adequate care for patients and residents.
- (3) Perform all other duties required of the county.

(b) Assistants must be appointed under this section solely on the basis of qualification and training for the duties assigned and without regard to political affiliation.

(c) The county home superintendent shall, with the approval of the county home board, fix the compensation of the assistants appointed under this section within the lawfully established appropriations.

(d) Assistants appointed under this section may be dismissed only for cause by the county home superintendent with the approval of the county home board. An assistant dismissed under this subsection has

the right to a hearing before the county home board if requested within ten (10) days after the effective date of dismissal.

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-14**

##### **Admission of patients and residents; recipients of old age assistance and blind assistance**

Sec. 14. (a) Admission of all patients and residents to the county home must be on a voluntary basis and without regard to race, religion, color, sex, national origin, or ancestry.

(b) Recipients of old age assistance and blind assistance shall be admitted to the county home on the same basis and for the same charge as other patients and residents in the county home. There may be no discrimination in the care and treatment of patients and residents of the county home because of the source of the money for the support and care of the patients and residents.

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-15**

##### **Hospitalization or medical care needed by patient or resident**

Sec. 15. Whenever a patient or resident in the county home requires hospitalization, medical nursing, or other care beyond the facilities of the county home, arrangements shall be made promptly for furnishing that necessary care.

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-16**

##### **Participation in work of farm or home; community life; special privileges; selfemployment**

Sec. 16. (a) Participation by residents or patients in the work of the farm or home, other than care of person and simple duties such as care of bed and room, shall be on a voluntary basis.

(b) Effort shall be made to provide community life and opportunities for such activities, along the line of occupational therapy, under the direction of a physician, as are consistent with the mental and physical well-being of the residents or patients.

(c) Special privileges, duties, or responsibilities may not be extended to one (1) resident or patient unless made available to every resident or patient within the patient's own mental or physical limitations.

(d) Opportunity shall be developed for self employment and personal earnings in connection with hobbies and abilities within reasonable limits for the well-being of residents and patients.

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-17**

##### **Counties not having consolidated cities; charges for care and maintenance of patients and residents**

Sec. 17. (a) This section applies to a county that does not have a consolidated city.

(b) The amount to be charged for the care and maintenance of each patient or resident in the county home shall be fixed as provided by law and may not exceed the maximum amount established by law. *As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-18**

##### **Counties having consolidated cities; schedule of charges for care and maintenance of patients and residents**

Sec. 18. (a) This section applies to a county having a consolidated city.

(b) The county home board shall fix a schedule of charges for the care and maintenance of patients or residents and the effective date of the schedule. A schedule of charges established under this section is not effective until after the charges have been approved by resolution of the city-county council. In establishing the schedule of charges, the county home board may fix different rates based on different types or classes of care. If the home is licensed under state or federal laws that authorize or fix different classes of care, those classifications authorized or fixed by law are a sufficient basis for classification in the schedule of charges. The schedule of charges may also provide that separate and additional charges may be charged for special treatments, drugs, medical service, appliances, and other auxiliary services that are not included in the classification of care.

(c) This section is the exclusive basis of determining the charges to be made to patients and residents of a county home and the provisions of any other laws regarding those rates, including laws concerning county institutions, relief of poor persons, township trustees, county offices of the division of family and children, and boards of commissioners, do not apply. However, a rate established under this section must be based on a fair and reasonable estimate of the cost of the care and may not anticipate any profit from rendering the care.

*As added by P.L.2-1992, SEC.24. Amended by P.L.4-1993, SEC.226; P.L.5-1993, SEC.239.*

#### **IC 12-30-3-19**

##### **Money for operation and maintenance of county homes**

Sec. 19. Money for the operation and maintenance of the county home, the care and support of patients and residents in the county home, and improvements and activities authorized by this chapter and laws supplementary to this chapter shall be provided, levied, appropriated, made available, and expended as provided by law.

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-20**

##### **Employment of residents or patients**

Sec. 20. Able-bodied residents or ambulatory patients within their physical and mental capacity may be employed on a voluntary basis by the county home superintendent with the approval of the county

home board, on the terms for board, maintenance, and compensation that are mutually acceptable. Upon being employed under this section, a resident or patient shall be given the privileges, duties, and status of a county home employee.

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-21**

##### **County home board; power to sue and be sued**

Sec. 21. The county home board, in its legal capacity and under its own name, may prosecute and defend suits. A suit brought against the county home board may be begun in the circuit or superior court or any other court with jurisdiction in the county. A notice or summons concerning a suit against the county home board must be served upon the county home superintendent. In a suit brought by or against the county home board, it is not necessary to name the individual members of the county home board as either plaintiff or defendant. The county home board may sue or be sued under the name of "\_\_\_\_\_ County Home Board".

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-22**

##### **County home board; rights and powers**

Sec. 22. The board has all other rights and powers and shall perform all other duties that are:

- (1) necessary to administer this chapter; and
- (2) not inconsistent with this chapter.

*As added by P.L.2-1992, SEC.24.*

#### **IC 12-30-3-23**

##### **Gifts, devises, and bequests; investment; special fund; expenditures**

Sec. 23. (a) The county home board may receive and administer any gift, devise, or bequest of personal property, including the income from real property, to or for the benefit of the county home or for the benefit of residents or patients who are admitted to the care or supervision of the county home board. The county home board may invest or reinvest any of the money received under this section in the same kinds of securities in which life insurance companies are authorized by law to invest money.

(b) All money received by the county home board under this section and all money, proceeds, or income realized from real property or other investments:

- (1) shall be kept in a special fund;
- (2) may not be commingled with any other fund received from taxation; and
- (3) may be expended by the county home board in any manner consistent with the purposes of the fund's creation and the intention of the donor, subject to the approval of the court of the county having probate jurisdiction.

*As added by P.L.2-1992, SEC.24.*



**IC 12-30-3-24****Bond and liability insurance premiums**

Sec. 24. The premiums on all bonds and liability insurance that an officer or a person is required by this chapter to execute by law or by action of the county home board shall be paid in the same manner as other expenses of the county home are paid out of the appropriation for fixed charges, unless otherwise expressly provided by law.

*As added by P.L.2-1992, SEC.24.*

**IC 12-30-3-25****Immunity from personal liability**

Sec. 25. The:

- (1) members of the county home board;
- (2) the county home superintendent; and
- (3) officers and employees of the county home;

are not personally liable, except to the state or the county, for an official act done or omitted in connection with the performance of duties established under this chapter.

*As added by P.L.2-1992, SEC.24.*

**IC 12-30-3-26****Administration of oaths and affirmations**

Sec. 26. An officer or employee of the county home may, upon written authorization by the county home board, administer the oaths and affirmations required to carry out the purposes of this chapter.

*As added by P.L.2-1992, SEC.24.*

**IC 12-30-3-27****Nepotism**

Sec. 27. Nepotism may not be permitted in appointments and employment in the county home, so far as prohibited by law.

*As added by P.L.2-1992, SEC.24.*

**IC 12-30-3-28****Purpose of chapter**

Sec. 28. The purpose of this chapter is to provide necessary and prompt assistance and care without stigma to the citizens and residents of Indiana who are entitled to avail themselves of this chapter's provisions, especially those having little or no resources and low income persons or the homeless or unattached or those requiring care and support or nursing beyond the capacity of the family home in situations not requiring hospitalization or other medical treatment or care in other state and county institutions. This chapter shall be liberally construed so that its purposes may be accomplished as equitably, economically, and expeditiously as possible.

*As added by P.L.2-1992, SEC.24.*